

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

8/3/92

-----X
: In the Matter of :
: HELEN KRAMER LANDFILL SUPERFUND SITE :
: HELEN KRAMER : ADMINISTRATIVE ORDER
: : DIRECTING COMPLIANCE
: : WITH REQUEST FOR ACCESS
: Respondent : Index No. II CERCLA-20112
: Proceeding under Section 104(e)(5) of:
: the Comprehensive Environmental :
: Response, Compensation, and Liability:
: Act, 42 U.S.C. §9604(e)(5). :
-----X

JURISDICTION

1. This Administrative Order is issued to Helen Kramer ("Respondent"), pursuant to the authority vested in the President of the United States by Section 104(e)(5) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §9604(e)(5), which authority was delegated to the Administrator of the United States Environmental Protection Agency ("EPA") on January 23, 1987, by Executive Order 12580, and further redelegated to the Regional Administrators of EPA on April 17, 1987.

PARTIES BOUND

2. This Order shall apply to and be binding upon Respondent and each and every agent of Respondent and upon all other person(s) and entities who are under the direct or indirect control of Respondent.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

3. Respondent is the owner of certain real property identified on the Gloucester County Tax Map as Block 6 Lot 1 located in Mantua Township, Gloucester County, New Jersey (the "Property"). The Property is part of the Helen Kramer Landfill Superfund Site (the "Site"), in Mantua Township, Gloucester County, New Jersey.

4. The Site includes a 66-acre refuse area and an 11-acre stressed area between the refuse and Edwards Run, a surface water tributary to Mantua Creek and the Delaware River. The Site



encompasses any area where a hazardous substance has been deposited, stored, disposed of or placed, or otherwise come to be located and all suitable areas in very close proximity to the contamination necessary for the implementation of the response action.

5. On September 8, 1983, the Site was placed on the National Priorities List ("NPL") of uncontrolled hazardous substance releases, 40 CFR Part 300, Appendix B, which was promulgated pursuant to Section 105(a) of CERCLA, 42 U.S.C. §9605(a).

6. It has been estimated that over 2,000,000 cubic yards of various types of waste were deposited at the Kramer landfill during its nearly two decades of operations. These include municipal wastes, septic wastes, hospital wastes and industrial wastes. The latter includes sludges, oils, degreasers, thinners, solvents, pesticides, heavy metals, and salts.

7. Between July 1983 and October 1985, EPA performed a Remedial Investigation and Feasibility Study ("RI/FS") to delineate the nature and extent of contamination at the Site and to examine remedial alternatives. The RI showed that there had been releases of hazardous substances from the Site, within the meaning of section 104 of CERCLA, 42 U.S.C. §9604, which posed numerous threats to public health, welfare and the environment. In particular, the RI demonstrated that: (a) soil at the Site is contaminated with hazardous substances including, but not limited to, arsenic, lead, mercury, toluene, methyl ethyl ketone, methyl isobutyl ketone, and ethylbenzene; (b) surface water at the Site is contaminated with hazardous substances, including but not limited to, chloroform, 1,1,2-trichloroethane, 1,1-dichloroethene, methylene chloride, 1,2-dichloroethane, 1,1,2,2-tetrachloroethane, tetrachloroethene and benzene; (c) leachate and groundwater are contaminated with hazardous substances, including but not limited to, arsenic, benzene, cadmium, lead, vinyl chloride, tetrachloroethene, trichloroethene, 1,1-dichloroethane, and 1,1,1-trichloroethane; and (d) air above the Site is contaminated with hazardous substances, including but not limited to, ethylene dibromide, benzene, 1,1,2-trichloroethene, tetrachloroethylene, chloroform, 1,1,2,2-tetrachloroethane, and methylene chloride. Uncontrolled generation and release of landfill gas from the biodegradation of wastes have resulted in fires at the Site.

8. A public health concern resulting from the contamination at the Site has been the effect of the leachate on the receiving stream, Edwards Run. Adverse environmental impacts include toxic and mutagenic effects of the leachate on the Edwards Run aquatic community, as demonstrated by bioassay studies and Ames testing.

9. Gaseous and particulate pollutions of the atmosphere from the landfill have also been a threat. This is a concern since residences exist within one-half mile of the Site in the downwind direction.

10. The FS identified certain remedial measures that needed to be taken in order to effectively mitigate and minimize damage to, and provide adequate protection of public health, welfare, and the environment. The Record of Decision ("ROD") selecting a remedial action for the Site was signed on September 27, 1985.

11. The design of the selected remedial action was completed in September, 1988 and includes the following components:

- A multi-layer clay cap.
- A three foot wide slurry wall surrounding the cap.
- An active gas collection and treatment system.
- The draining of three lagoons located on the east side of the landfill.
- Construction of a groundwater/leachate collection trench.
- Collection and treatment of the groundwater/leachate from the trench.
- A pre-treatment facility.
- A security fence surrounding the work areas and the pre-treatment facility.
- A road located within the security fence.
- Surface water controls which are necessary to properly construct or implement and ensure the reliability of the other remedial components.

The construction of the remedial action started in February, 1990.

12. Area No. 14 (refer to the map in Appendix A and description in Appendix B) is part of the Property. Access to Area No. 14 is needed to construct a surface water control ditch (the "Drainage Ditch") and to maintain and repair the Drainage Ditch for the duration of the remedial action. The construction period has been estimated to be approximately 30 days while the remedial action has been estimated to last approximately thirty years. The Drainage Ditch is necessary to properly construct or implement and ensure the reliability of the other remedial components. Specifically, the Drainage Ditch will prevent

surface water run-off from the landfill cap from impacting Boody Mill Road, the public road adjacent to Area No. 14. The Drainage Ditch will run through Area No. 14 along side Boody Mill Road and it will measure approximately twenty (20) feet wide by approximately three (3) feet deep.

13. On October 18, 1991, Rudolph S. Perez, Esq., Assistant Regional Counsel, contacted, both in writing and over the telephone, John Strazzullo, Esq., the attorney for Respondent, to request access to Area No. 14. Mr. Perez reiterated EPA's need for access in a follow up telephone conversation with Mr. Strazzullo on November 6, 1991. On November 18, 1991, Mr. Perez mailed to Mr. Strazzullo an access agreement to be signed by Respondent and returned to EPA.

14. Mr. Perez and Mr. Strazzullo held further telephone discussions concerning this matter on November 27, and December 10, 1991.

15. On March 27, 1992, Mr. Perez wrote again to Mr. Strazzullo stressing EPA's need for access.

16. On April 6, 1992, Lawrence A. Granite, EPA's Project Manager for the Site mailed directly to Respondent an access agreement. In his letter, Mr. Granite stressed again the need for access and as of the date of issuance of this Administrative Order, however, Respondent has not granted access to EPA.

17. Respondent is a "person" as the term is defined in Section 101(21) of CERCLA, 42 U.S.C. §9601(21).

18. The Helen Kramer Landfill facility (the "Facility") constitutes a "facility" as that term is defined in Section 101(9) of CERCLA, 42 U.S.C. §9601(9).

19. Respondent is the present "owner" of the Facility as that term is defined in Section 101(20)(A), 42 U.S.C. §9601(20)(A).

20. Respondent owned the Facility during the time hazardous substances were disposed of at the Facility.

21. Respondent was the "operator", as the term is defined in Section 101(20)(A), 42 U.S.C. §9601(20)(A), of the Facility at various times when hazardous substances were disposed of at the Facility.

22. Respondent is a potential liable party pursuant to Section 107(a) of CERCLA, 42 U.S.C. §9607(a) for response costs at the Site.

DETERMINATION

23. Based on the FINDINGS and CONCLUSIONS set forth above and the entire administrative record, the Regional Administrator has determined that (i) the release and threatened release of one or more hazardous substances or pollutants or contaminants into the environment at the Site may present an imminent and substantial endangerment to the public health, welfare or the environment, (ii) access to Area No. 14 is needed in order for EPA to take necessary response actions in order to protect the public health, welfare and the environment, and (iii) EPA is authorized to enter Area No. 14 pursuant to the statutory provisions in Section 104(e) of CERCLA, 42 U.S.C. §9604(e).

ORDER

24. Respondent shall afford EPA and its officers, employees, and representatives, including but not limited to contractors and subcontractors and representatives of the New Jersey Department of Environmental Protection and Energy ("NJDEPE") (hereinafter collectively referred to as "EPA and NJDEPE"), full and unrestricted access to Area No. 14 from the effective date of this Order and for such time as is reasonably necessary to complete the followings activities: construct, maintain, and repair the Drainage Ditch, as described herein. EPA estimates that it will need access to an approximately thirty-foot (30) wide strip of land running through Area No. 14 along side Boody Mill Road.

25. Respondent and any and all employees, agents, contractors and all other person(s) and entities under the direct or indirect control of Respondent shall refrain from the following:

- a. Interfering with or preventing in any manner EPA and NJDEPE from entering onto Area No. 14 to perform the response activities specified above;
- b. Disrupting, impeding or delaying in any manner the construction, maintenance, and repair of the Drainage Ditch; and
- c. Disrupting or impeding in any manner the normal operation of the Drainage Ditch once it is in operation.

26. In the event of any conveyance by Respondent, or Respondent's agents, heirs, successors and assigns, of an interest in Area No. 14, Respondent or Respondent's agents, heirs, successors and assigns shall convey the interest so as to insure continued access by EPA and NJDEPE for the purpose of carrying out the activities pursuant to this Order. Any such

conveyance shall restrict the use of Area No. 14 so that the use will not interfere with activities undertaken pursuant to this Order. Respondent, or Respondent's agents, heirs, successors and assigns shall notify EPA by certified mail return receipt requested at least thirty (30) days before any conveyance of an interest in Area No. 14 and shall notify the other parties involved in the conveyance prior to the transfer of the provisions of this Order.

GENERAL PROVISIONS

27. This Order and all of its terms and provisions shall remain in effect until such time that the Director of the Emergency and Remedial Response Division, EPA - Region II notifies Respondent in writing that all EPA's response activities on Area No. 14 have been completed.

28. The failure of Respondent to comply with any provision of this Order may be considered a violation of this Order. A violation may give rise to an enforcement action pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. §§9604(e)(5), thereby subjecting Respondent to possible civil penalties of up to \$25,000 per day and other civil damages.

29. Nothing in this Order constitutes a decision on preauthorization of funds under Section 111(a)(2) of CERCLA, 42 U.S.C. §9611(a)(2).

30. Nothing in this Order shall preclude EPA from taking any additional enforcement actions, and/or other actions as it may deem necessary for any purpose, including the prevention or abatement of an imminent and substantial danger to the public health, welfare, or the environment arising from conditions at the Site, and recovery of costs thereof.

31. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability with respect to any conditions or claims arising as a result of past, current or future operations, ownership or use of the Site by Respondent, its agents, contractors, successors or assigns.

32. Nothing in this Order shall affect any right, claim, interest, defense or cause of action of EPA with respect to Respondent or any other parties.

33. Nothing in this Order shall affect the right of EPA to issue any other orders to Respondent or to any party under CERCLA.

ACCESS TO ADMINISTRATIVE RECORD

34. The Administrative Record supporting the above FINDINGS and CONCLUSIONS is available for review on weekdays between the hours of 9:00 a.m. and 5:00 p.m. in EPA, Region II office at 26 Federal Plaza, New York, New York, 10278. Please contact Lawrence A. Granite, Project Manager at (212) 264-7668 if you wish to view said Administrative Record.

OPPORTUNITY TO CONFER AND EFFECTIVE
DATE OF THIS ORDER

35. Respondent shall have an opportunity to meet with officials of EPA - Region II to discuss the terms and provisions of this Order within fourteen calendar days after the date on which this Order is signed by the Regional Administrator of EPA - Region II. EPA officials are willing to discuss the applicability of the Order to Respondent; the factual determinations upon which it is based; the appropriateness of any actions Respondent is being ordered to take; and any other relevant issues or contentions which Respondent may have regarding this Order.

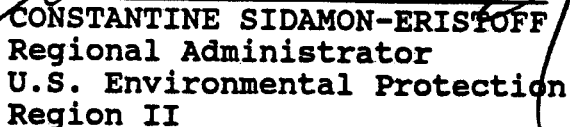
36. If Respondent chooses to confer with EPA, Respondent must request a conference by contacting Rudolph S. Perez, Office of Regional Counsel, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, Room 309, New York, New York 10278 or at (212) 264-3276. Any request for this conference made by telephone must be confirmed in writing and received by the Office of Regional Counsel, EPA - Region II, at the above mentioned address, before fourteen calendar days after the date this Order is signed by the Regional Administrator.

37. If Respondent chooses not to comply with this Administrative Order, Respondent should notify EPA in writing of her decision on or before the effective date of this Order. Such written notification should be sent to Mr. Perez at the address mentioned in Paragraph 36, above.

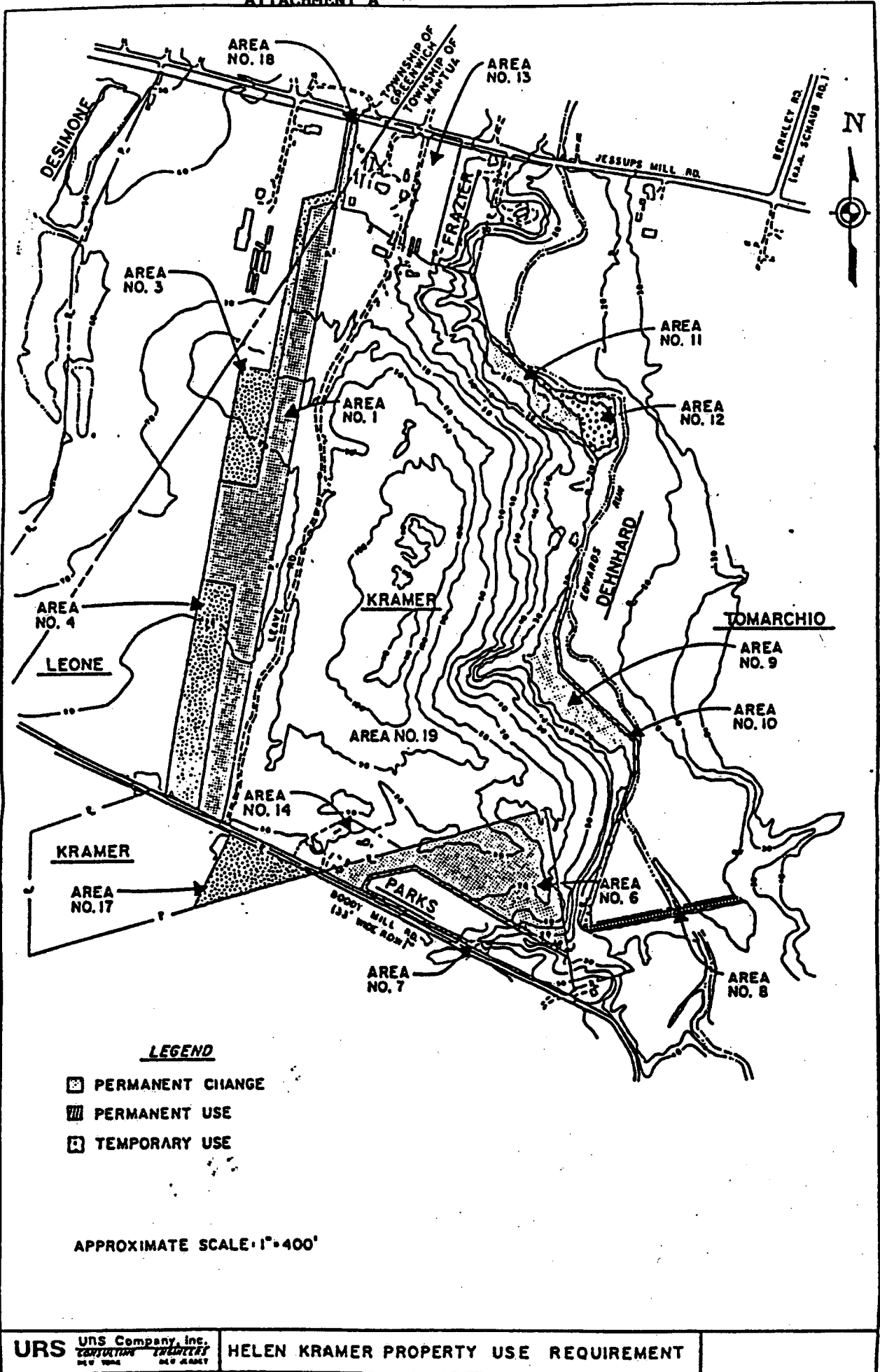
38. This Administrative Order shall become effective on the fourteenth day after it is signed by the Regional Administrator.

IT IS SO ORDERED:

FOR: U.S. ENVIRONMENTAL PROTECTION AGENCY


CONSTANTINE SIDAMON-ERISTOFF
Regional Administrator
U.S. Environmental Protection Agency
Region II

August 3, 1992
Date of Issuance



ATTACHMENT B

PARCEL NO. 14 (AREA NO. 14)

REMAINDER TRACT 'B'

HELEN KRAMER

All that tract of land situate in the Township of Mantua, County of Gloucester, and State of New Jersey, bounded and described as follows:

Beginning at a found 5/8" iron rod with a URS Co. Inc. 2" diameter cap stamped "COR 23.01 SW" set in the northerly line of Boody Mill Road (Pine Mill Road) (33 feet wide) at its intersection with the northwesterly line of lands conveyed to Paul A. Robbins and Myrtle M. Robbins, his wife, in Book 1208 of Deeds at page 671 and recorded on September 30, 1971 in the Clerk's office of Gloucester County, said line also being a southerly line of lands conveyed to Helen Kramer in Book 913 of Deeds at page 246 et. al. and recorded on August 6, 1958 in said Clerk's Office;

Thence North $71^{\circ}-40'-47''$ East, along the said southerly line of Kramer, 375.00 feet to a point;

Thence through the said lands of Kramer the following four (4) courses and distances:

- 1) North $62^{\circ}-30'-19''$ West, 261.02 feet to a point;
- thence 2) South $90^{\circ}-00'-00''$ West, 46.00 feet to a point;
- thence 3) South $61^{\circ}-03'-09''$ West, 207.21 feet to a point;

thence 4) South $27^{\circ}-29'-41''$ West, 75.00 feet to a point on the northerly line of Boody Mill Road;

Thence South $62^{\circ}-30'-19''$ East, along the northerly line of Boody Mill Road, 155.00 feet to the POINT OF BEGINNING.

Containing 1.471 acres, more or less.